Court No.3

Criminal Revision No. 122/2003

Amar Singh	….	Revisionist.
Versus		
State of Uttaranchal and others	…	Respondents.

Hon'ble Irshad Hussain, J.

Heard Sri Vivek Shukla learned counsel for the revisionist and the learned A.G.A.

This criminal revision under sections 397/401 of the Code of Criminal Procedure has been preferred against the order dated 28-7-2003 passed by the Additional Sessions Judge/ IIIrd Fast Track Court Haridwar in sessions trial No.329/99 whereby the application preferred under section 319 of the Code of Criminal Procedure was allowed and the learned Sessions Judge decided to proceed against the revisionist-accused also in addition to the accused charge sheet after investigation of the case.

The learned counsel for the revisionist submitted that although the presence of the revisionist was also shown in the F.I.R. along with the accused charge sheeted after investigation but many of the witnesses have not supported the version of the F.I.R. and disputed his presence at the scene of the occurrence soon after the thatch was set to fire. The statement of the informant eye witness Ram Singh was recorded as P.W.1 and he has supported not only the prosecution version as contained in the F.I.R. but also reiterated the presence of the revisionist along with the other accused at the scene of the occurrence indicating that they together were seen fleeing from there soon after the thatch was set ablaze. Considering the definite evidence of informant eye witness the learned Sessions Judge was fully justified to come to the conclusion that there were sufficient reasons to proceed also against the revisionist and therefore order summoning the revisionist does not suffer from any impropriety and illegality.

It is also significance that in the fire some explosion had taken place as a result of which a young girl lost her life besides the damage to the property as well as death of cattle also. Considering the serious nature of the incident and the positive allegation and evidence about the presence of the revisionist at the time of the occurrence there are no cogent reasons to interfere with the power exercised by the learned Sessions Judge as envisaged under Section 319 of the Code of Criminal Procedure. The revision is therefore dismissed in limine.

(Irshad Hussain, J.)

Dated 2-9-2003

ISB